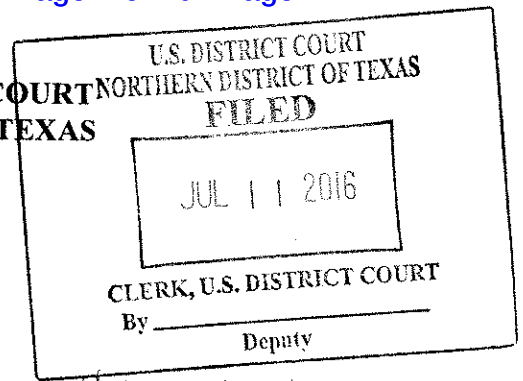


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS



Adrian Phillips 0466557
Plaintiff's Name and ID Number

TARRANT County Jail
Place of Confinement

CASE NO. 4:16-CV-01661-O
(Clerk will assign the number)

v.
Arlington Police Department, 620 West Division, Arlington, Tx, 76012
Defendant's Name and Address

Officer Hernandez (Corporal), 620 West Division, Arlington, Tx, 76012
Defendant's Name and Address

Officer Tensen, 620 West Division, Arlington, Tx, 76012
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Cause number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: TARRANT COUNTY JAIL
III. Case 4:16-cv-00661-O Document 1 Filed 07/11/16 Page 3 of 10 PageID 3
EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?

YES ☐ NO ☒

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Adrian Phillips

100 North Lamar
FORT WORTH, TEXAS, 76196

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: John Doe Arlington Police Department
620 West Division, Arlington, Texas, 76012

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Deprived my right to adequate medical care, intentional
infliction of emotional distress, cruel and unusual punishment, excessive & deadly
Defendant #2: John Doe Officer Hernandez #1307 (Corporal)
620 West Division, Arlington, Texas, 76012

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Used excessive force and deadly force, Racial profiled

Defendant #3: John Doe Officer Tensen
620 West Division, Arlington, Texas, 76012

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Used excessive force and deadly force, Racial profiled

Defendant #4: John Doe (Superintendent)
620 West Division, Arlington, Texas, 76012

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

I'm legally responsible for the operation of Arlington Jail and for the welfare of all
the inmates in that jail.

Defendant #5: John Doe (Correctional Officer)
620 West Division, Arlington, Texas, 76012

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

On May 20, 2015 I told John Doe I was bleeding and the pain was so bad I
couldn't stand or walk. John Doe said he would inform the shift supervisor,
but nothing was ever done. This was early morning on 1st shift.

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

"City of Arlington"

- A) On May 19, 2015 I was pulling out of a residential driveway when officer Hernandez ran in front of my car without identifying himself as a police officer and fired 4 shots with his secondary weapon (AR-15 ASSAULT RIFLE). Officer Hernandez stepped to the side and fired 2 more shots in my driver's side door as I was turning out of the driveway in the opposite direction. Officer Tensen whom was in field training also fired 1 shot towards my vehicle making it a total of 7 shots.
- B) I sat in Arlington Jail for 2 weeks segregated with no medical attention and no type of medication, while recovering from 3 gun shot wounds (SEE Attachment)

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I respectfully pray that this court enter judgement granting plaintiff compensatory damages in the amount of \$10,000,000. Against each defendant, jointly and severally. Punitive Damages in the amount of \$10,000,000. Against each defendant, jointly and severally.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Adrian Devone Phillips

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

0466557, 1719736 is all I could receive.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case number:

3. Approximate date sanctions were imposed:

4. Have the sanctions been lifted or otherwise satisfied? YES NO

V. Statement of Claim Continued: Attachment to pg. 4

Arlington Jail is a city jail therefore they have no medical facility inside, nor do they have any type of nurses. I begged the officers for medical attention, to call an ambulance, and give me something for the pain, but received none of the above. My bandages, uniform, and linens stayed saturated in blood. After arriving at Tarrant County Jail, their medical facility did a culture sample and said my wounds were infected. The excessive and deadly force, infliction of emotional distress, and deliberate indifference to medical needs violated my rights and constituted racial profiling, and cruel and unusual punishment, a due process violation under the Eighth and Fourteenth Amendment to the United States Constitution.

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): _____
 2. Case number: _____
 3. Approximate date warning was issued: _____

Executed on: _____
DATE

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 5th day of July, 20 16.
(Day) (month) (year)

Adrian Phillips
Adrian Phillips
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Adrian Phillips
Plaintiff

v.

Arlington Police Department, et al.
Defendant

Civil Action No. _____

COMPLAINT

Many civilians use video to display the abusive nature of officers in cases that involve deadly and excessive force. It is the duty of a peace officer to notify an accused of his purpose in detaining him, and the officer must refrain from using more force than is necessary to effect his object. The police dash cam video is a major aspect in displaying the excessive and deadly force used by the Arlington police department in my case.

As I was pulling out of a residential driveway in Arlington, Tx, on May 19, 2015, Corporal Hernandez ran in front of my vehicle from behind tall shrubbery without identifying himself as a police officer and fired 4 shots with his secondary weapon (AR-15 assault rifle). Corporal Hernandez stepped to the side and fired 2 more shots in my driver's side door as I was turning in the opposite direction. Officer Tensen who was in field training also fired 1 shot towards my vehicle from the side making it a total of 7 shots fired on an unarmed African American in a non hostile situation. I was hit 3 times.

Medical services are suppose to be available to you while in jail. (See Attachment) (A)

* Attach additional pages as needed.

Date

7/5/16

Signature

Adrian Phillips

Print Name

Adrian Phillips

Address

100 North Lamar

City, State, Zip

Fort Worth, Texas, 76196

Telephone

N/A

Complaint Continued: Attachment (A)

THE MEDICAL SERVICES AVAILABLE ARE EMERGENCY CARE, ASSESSMENT OF NEW SIGNIFICANT ILLNESSES, AND MONITORING OF CHRONIC DISORDERS. IN THE EVENT OF AN EMERGENCY, YOU ARE TO NOTIFY AN OFFICER AND THE OFFICER IS SUPPOSE TO CONTACT THE APPROPRIATE MEDICAL AUTHORITIES.

I SAT IN ARLINGTON JAIL FOR 2 WEEKS SEGREGATED, WITH NO MEDICAL ATTENTION, AND NO TYPE OF MEDICATION. ARLINGTON JAIL IS A CITY JAIL, THEREFORE THEY HAVE NO TYPE OF MEDICAL FACILITY INSIDE, NOR DO THEY HAVE ANY TYPE OF NURSES. I BEGGED THE CORRECTIONAL OFFICERS FOR MEDICAL ATTENTION, TO CALL AN AMBULANCE, AND GIVE ME SOMETHING FOR THE PAIN, BUT RECEIVED NONE OF THE ABOVE. MY BANDAGES, UNIFORM, AND LINENS STAYED SATURATED IN BLOOD. I RECEIVED CRUEL AND UNUSUAL PUNISHMENT. AFTER ARRIVING AT TARRANT COUNTY TAIL, THEIR MEDICAL FACILITY DID A CULTURE SAMPLE AND SAID MY WOUNDS WERE INFECTED.

In The United States District Court
For The Northern District of Texas

Adrian Phillips
Plaintiff

v.

SUMMONS
Civil Action No. _____

Arlington Police Department,
Corporal Hernandez, and
Officer Tensen, individually
and in their official capacities,
Defendants

TO THE ABOVE NAMED DEFENDANTS:

You ARE hereby summoned and required to serve upon plaintiffs, whose address is 100 North Lamar, Fort Worth, Texas, 76196, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service, or 60 days if the U.S. Government or officer/agent thereof is a defendant. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

Clerk of the Court

Date: _____

Adrian Phillips #0466557
100 North Lamar
Fort Worth, Texas, 76196

2016 JUL 11 PM 3:32
CLERK OF COURT

Legal Mail

United States District Court
501 West 10th Street, Room 310
Fort Worth, Texas, 76102-3673

